



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,240	09/17/2003	John W. Northcutt	U02-0110.37	3293

54494 7590 11/26/2008
MOORE AND VAN ALLEN PLLC FOR SEMC
P.O. BOX 13706
430 DAVIS DRIVE, SUITE 500
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
----------	--------------

2618

MAIL DATE	DELIVERY MODE
-----------	---------------

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,240	Applicant(s) NORTHCUTT, JOHN W.	
	Examiner TAN TRINH	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08-06 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gates (U.S. Patent No. 2002/0128047) in view of Wong (U.S. Pub. No. 2005/0208927) further in view of Pyhalammi (U.S. Pub. No. 2003/0236769).

Regarding claims 1 and 6, Gates teaches a method of sending a mobile phone contact list from a first mobile phone (1) using a mobile phone messaging service (MMS or SMS, page 1, section [0003]) to one or more other mobile phones (see fig. 2-4, page 3, section [0054]) comprising: displaying (5) the mobile phone contact list (28) (fig. 3A) of the first mobile phone (1), contact list (see fig. 3A), selecting one or more contacts from the mobile phone contact list (see fig. 3A, page 3, section [0055]), adding the selected contacts (28) from the mobile phone contact list to a message (see fig. 4A, page 4, section [0057-0060]), and sending the message containing selected contacts to the one or more other mobile phones (see fig. 4A-B and 5, page 4, section [0063]). Gates teaches adding the selected contacts 28 and selected other contacts phone number and e-mail address to create mail message (see fig. 4A-B). But Gates does not mention adding or inserting the selected contacts (name or phone numbers) of the contact list to a message.

However, Wong teaches the feature of retrieving the contact from the contact register of selected contacts (name or phone numbers) and inserting to a message prior to sending (see fig. 2 and 5, page 2, sections [0018 and 0028]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Gates with Wong, thereto, in order to provide in the form of one or more processors with corresponding memory containing the contact information and inserting to specialized message (see suggested by Wong on page 4, section [0058]).

Still regarding claims 1 and 6, Gates teaches a method of sending a mobile phone contact list from a first mobile phone (1) using a mobile phone messaging service (MMS or SMS, page 1, section [0003]) to one or more other mobile phones (see fig. 2-4, page 3, section [0054]), and Wong teaches the feature of retrieving the contact from the contact register of selected contacts (name or phone numbers) and inserting to a message prior to sending (see fig. 2 and 5, page 2, sections [0018 and 0028]). But Gates or Wong does not mention the newly added limitation of: the message containing control data identifying the message as containing a contact list. However, such teaching is taught by Pyhalammi (see fig. 5b, control data Identifier field 522, control data identifier fields 524, 528, 532 containing contact information such as contact list and control data information identifier field 523, 527 and 529, associated fields which the contents of the fields containing contact information can be stored in the right place at the reception end, on page 5, section [0034]), And Pyhalammi also teaches the message sending or feedback message service to at least one or a group of mobile phone (see fig. 5 a-b, page 2-3, sections [0011-0012, and 0022-0024]). In this case, the contact information can be send or

Art Unit: 2618

feedback at least on or can be more or a group, since the contact information control data field can be a group of contact information fields, or the contact information send or feedback can be private persons or companies that is service to a group of the contact. Pyhalammi also reaches the mobile station (320) send the feedback message to MS (310), the message containing the data of contact information (see page 3, 5, sections [0022-0023 and 0031-0034]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above combination of the teaching of Gates and Wong with Pyhalammi, thereto, in order to provide mobile station for examining whether the contact information field corresponding to the identifier field contains information or not easier (see suggested by Pyhalammi on page 5, section [0035]).

Regarding claims 2, 7, Gates teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS, page 1, section [0018]).

Regarding claims 3, 8, Gates teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see page 1-2, sections [0018, 0033-0037]). In this case, the broadcast information in the current context involves sending e-mail, instant message and short message service (SMS) are service by the multi-media messaging service (MMS) format.

Regarding claims 4 and 9, Wong teaches previewing the message prior to sending the message so that additional contacts can be added to the message and selected contacts can be deleted (see page 2, sections [0018 and 0028], page 3-4, sections [0049-0054 and 0060]), In this

case, the configure the message can be adding, inserting and remove and deleted and information and contact.

Regarding claims 5 and 10, Wong teaches displaying the contact data for a selected contact prior to adding the contact to the message (see fig. 1, page 3, section [0051] and page 2, sections [0018 and 0028]).

3. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pyhalammi (U.S. Pub. No. 2003/0236769) in view of Harms (U.S. Pub. NO. 2003/0078981).

Regarding claims 11 and 14, Pyhalammi teaches a method of receiving data for a mobile phone contact list in a first mobile phone (310) sent from a second mobile phone (320) using a mobile phone messaging service (see figs. 1, 3a-b and 4-5a-b, page 1-2, sections [0007-0009, and 0021]) comprising: receiving a message in the first mobile phone (310) from the second mobile phone (320) (see page 3, section [0022]). In this case, the MS 310 received the message from the MS 320 on the feedback message with second pieces contact information. Determining whether the received message contains data for a contact list (see fig. 1, 3 a-b 5a-b, page 3, sections [0022-0023] and page 5, sections [0031-0034]). In this case, the feedback message is containing the contact information. If so launching a application specific software program to manage the received contact list data, otherwise handling the received message normally (see fig. 1, step 106 retrieve contact information from feedback message, page 2-3, sections [0012 and 0025], and page 5, sections [000031-0032]). In this case, the electronic device being capable of identifier the contact information and the computer software making the receive feedback

message which comprises at least one second piece of contact information, and MS is launching an application software for running the program and stored the contact information on the feedback message identifier in the message (see fig. 5b). Displaying (205) the received mobile phone contact list (see fig. 2, display 205, and fig. 4, for display contact list information, page 5, section [0032]). But Pyhalammi does not mention resolving contact list data conflicts between the received data for a contact list and contact data already stored on the first mobile phone and storing the received data for a contact list a contact list of the first mobile phone.

However, related art Harms teaches resolving contact list data conflicts between the received data for a contact list and contact data already stored on the first mobile phone and storing the received data for a contact list a contact list of the first mobile phone (see fig. 5 and 7, exiting contact information and new contact information, page 1-2, sections [0007, 0025-0027], and page 3, sections [0031, 0034 and 0036-0037]). In this case, Harms teaches a provides for the populating of a contact list on a portable device, such as, a WAP phone or PDA. Further, the system and method described helps resolves conflicts for multiple instances of a contact in the Contact list using a portable device, also allows a user to add contacts that appear in an Inbox without manually entering them (see fig. 1-5, page 3-4, sections [0037 and 0047]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify above teaching of Pyhalammi with Harms, thereto, in order to provide user to add contacts that appear in an Inbox without manually entering them Such functionality saves the user time and is more convenient (see suggested by Harms on page 4, section [0047]).

Regarding claims 12 and 15, Pyhalammi teaches the mobile phone messaging service uses a short messaging service (SMS) format (see SMS page 2, section [0021]).

Regarding claims 13 and 16, Pyhalammi teaches the mobile phone messaging service uses a multi-media messaging service (MMS) format (see MMS page 2, section [0021]).

Response to Arguments

4. Applicant's arguments with respect to claim 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to the Customer Service Window (now located at the **Randolph Building, 401 Dulany Street, Alexandria, VA 22314**).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Anderson, Matthew D., can be reached at (571) 272-4177.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh
Division 2618
November 23, 2008

/TAN TRINH/
Primary Examiner, Art Unit 2618
11-23-2008